

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

**IN RE: PRE-FILLED PROPANE
TANK ANTITRUST LITIGATION**) **MDL NO. 2567**
))
ALL ACTIONS) **Master Case No. 14-02567-MD-W-GAF**
)

ORDER

Now before the Court is Plaintiffs Hartig Drug Company, Inc., Jason Moore's Texaco, L.L.C., AQ Investments, LLC, LJax Enterprises, Inc., J & V Management, LLC, Butch's Central Coastal, Inc., Zerka's Party Store, Inc., OM Commercial Neenah Oil, Inc., CCLAS, Inc., Hopewell Exxon, LLC, Tuban Petroleum LLC, 33 and a Third, LLC, Tuban 610 LLC, Highway 182 LLC, West Main Street LLC, Roth's Country Corner, Inc, 1919 Airline Hwy LLC, East Airline LLC, Gramercy Cheap Smokes LLC, Conti's Service Center, Inc., Route 49 Gas & Go, Inc., Surinder Kaur, Inc., Ashville General Store, Inc., and Birdie's, Inc.'s (collectively the "Hausfeld Direct Plaintiffs") Motion to appoint counsel. (Doc. # 14). Plaintiffs Glenville Shell LLC, Morgan-Larson LLC, Lochraven Sunoco, Inc., Arrow Hardware, LLC, American Auto Repair, Johnson Auto Electric, Inc., Cedar Holly Investments, LLC, CEFO Enterprise Corp., Tuckerton Lumber Company, Ace High Auto Repair & Propane, JonWall, Inc., RC Gasoline, Speed Stop 32, Inc., Zarco USA, Inc., Dunmore Oil Co., Inc., JoJo Oil Co., Inc., Ekonomy Enterprises, Inc., and Yocum Oil Company, Inc. (collectively the "Cohen Milsteen Direct Plaintiffs") oppose. (Doc. # 42). Also before the Court is the Cohen Milsteen Direct Plaintiffs' Motion to appoint counsel. (Doc. # 17). Oral arguments were heard for these competing motions on December 15, 2014. (See Doc. # 77).

Additionally before the Court is Plaintiffs Mario Ortiz, Steven Tseffos, and Stephen Morrison's (collectively the "Ortiz Indirect Plaintiffs") Motion for Appointment of Leadership

Structure. (Doc. # 16). Plaintiffs Michael S. Harvey, Arthur Hull, Gregory Ludvigsen, Alan Rockwell, and Sean Venezia (collectively the “Venezia Indirect Plaintiffs”) oppose. (Doc. # 38). Also before the Court is the Venezia Indirect Plaintiffs’ Motion to Appoint Counsel. (Doc. # 25) and Plaintiff Alex Chernavsky’s (“Chernavsky”) Motion to Appoint Counsel. (Doc. # 21). The Ortiz Indirect Plaintiffs oppose the Venezia and Chernavsky motions. (Doc. # 39). Oral arguments were heard on all of the aforementioned motions on December 15, 2014. Having considered all of the parties’ motions, suggestions in support, suggestions in opposition, and reply suggestions, as well as considering the oral arguments made before the Court on December 15, 2014, the Court ORDERS as follows:

1. The Hausfeld Direct Plaintiffs’ Motion to appoint counsel (Doc. # 14) is DENIED.

2. In light of the fact that Cohen Milstein Sellers & Toll, PLLC (“Cohen Milstein”) filed the first direct-purchaser complaint in the present case as well as Cohen Milstein’s ongoing investigatory work in this case, the Cohen Milstein Direct Plaintiffs’ Motion to appoint counsel (Doc. # 17) is GRANTED. The following are hereby appointed to serve as Interim Co-Lead Counsel for the proposed direct purchaser class:

Kit Pierson
Cohen Milstein Sellers & Toll, PLLC
1100 New York Ave. NW
Suite 500
Washington, D.C. 20005;

Laddie Montague
Berger & Montague, P.C.
1622 Locust Street
Philadelphia, PA 19103; and

Steve Susman
Susman Godfrey L.L.P.
1000 Louisiana Street, Suite 5100
Houston, TX 77002.

The following is hereby appointed to serve as Interim Liaison Counsel for the proposed direct purchaser class:

Rick Lombardo
Shaffer Lombardo Shurin, P.C.
911 Main St
#2000
Kansas City, MO 64105.

3. The Ortiz Indirect Plaintiffs' Motion for Appointment of Leadership Structure (Doc. # 16) is GRANTED. The following are hereby appointed to serve as Interim Co-Lead Counsel for the proposed indirect purchaser class:

Robert B. Carey
Hagens Berman Sobol Shapiro
11 West Jefferson Street, Suite 1000
Phoenix, Arizona 85003; and

Norman E. Siegel
Stueve Siegel Hanson LLP
460 Nichols Road, Suite 200
Kansas City, Missouri 64112.

The following is hereby appointed to serve as Interim Liaison Counsel for the proposed indirect purchaser class

Norman E. Siegel
Stueve Siegel Hanson LLP
460 Nichols Road, Suite 200
Kansas City, Missouri 64112.

4. The Venezia Indirect Plaintiffs' Motion to Appoint Counsel (Doc. # 25) is DENIED.

5. Chernavsky's Motion to Appoint Counsel (Doc. # 21) is DENIED.

6. The parties have thirty days from the date of this Order to submit to the Court a proposed Scheduling Order.

7. Lead attorneys must file with this Court monthly reports detailing time and expenses spent on the case. The first such report is due January 30, 2015, and successive reports are due on the last weekday (Monday – Friday) of each month thereafter.

8. No attorney will be paid for work not specifically assigned in writing by a lead attorney or for time spent in court or depositions by attorneys who do not speak unless all co-lead attorneys for the respective class authorize their attendance in advance as being necessary to assist the attorneys who do speak.

IT IS SO ORDERED.

s/ Gary A. Fenner
GARY A. FENNER, JUDGE
UNITED STATES DISTRICT COURT

DATED: December 15, 2014